

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONACIANO ROJAS BAUTISTA, et al.,

Plaintiffs,

Hon. Richard Alan Enslin

v.

Lead Case No. 1:04-cv-00483

TWIN LAKES FARMS, INC., et al.,

Defendants.

MARTHA GALAVIZ-ZAMORA , et al.,

Plaintiffs,

Hon. Richard Alan Enslin

v.

Member Case No. 1:04-cv-00661

BRADY FARMS, INC., et al.,

Defendants.

REPORT AND RECOMMENDATION

The parties were heard on October 18, 2006 on a Proposed Stipulation and Order Dismissing with Prejudice FLSA Claims (Dkt. 66 in Case No. 1:04-cv-00483 and Dkt. 122 in Case No. 1:04-cv-661). For the following reasons, the Court recommends that the motion be granted. First, the parties have already reached a substantial settlement in both cases on Plaintiffs' Migrant and Seasonal Agricultural Worker Protection Act ("AWPA") claims. 29 U.S.C. § 1801, et seq. Second, Plaintiffs' counsel believe that the FLSA claims were not as strong as the AWPA claims because of

record keeping problems including difficulty, with Plaintiffs having worked for different crews, in defining for which company or in which field each worked, making it hard to calculate damages.

Therefore, the Court recommends that the proposed Stipulation and Order (Dkt. 66 in Case No. 1:04-cv-00483 and Dkt. 122 in Case No. 1:04-cv-661) be entered in the lead case.

Respectfully submitted,

Date: December 20, 2006

/s/ Ellen S. Carmody

ELLEN S. CARMODY

United States Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within ten (10) days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).